

Customer No.: 26308

61

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

AF  
3739

Application of: Bek et al.  
Serial No.: 09/974,750  
Filed: 10 October 2001  
For: Systems and Methods for Monitoring and Controlling Use of Medical Devices

Group No.: 3739  
Examiner: M. Peffley

Corres. and Mail

**BOX AF**

**Response under 37 CFR 1.116  
Expedited Procedure  
Examining Group: 3739**

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450



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PATENT TRADEMARK OFFICE

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 19-20).

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION - TRANSMITTAL**

1. Transmitted herewith is an amendment after final rejection (37 CFR 1.116) for this application.

NOTE: Response to Final Rejection - Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes; but never more than six months from the Final Rejection." Notice of November 30, 1990 (122 O.G. 571 to 591).

2. Applicant is

**STATUS**

a small entity  
 other than a small entity.

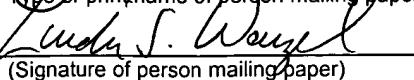
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**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Box AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Linda S. Wenzel

Type or print name of person mailing paper

  
(Signature of person mailing paper)

Date: 20 April 2004



## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply  
(complete (a) or (b) as applicable)

(a)  Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 420.00	\$ 210.00
[ ] three months	\$ 950.00	\$ 475.00
[ ] four months	\$1480.00	\$ 740.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ \_\_\_\_\_

OR

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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## FEE FOR CLAIMS

The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Total Claims 37 CFR 1.16(c)*	21	-22 =	(1)	x \$9.00	\$0	\$0
Independent Claims (37 CFR 1.16(b)**	3	-3 =	0	x \$ 43.00	\$0	\$0
First Presentation of Multiple Dependent claim(s) if any (37 CFR 1.16(d))				\$145.00	\$0	\$0
<b>Total Additional Fee</b>					<b>\$0</b>	<b>\$0</b>

\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made."* 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c)  No additional fee for claims is required.

OR

(d)  Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

5.  Attached is a check in the sum of \$ 165.00 (Terminal Disclaimers).

Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

### FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

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[ x ] If any additional extension and/or fee is required, charge Account No. 06-2360.

AND/OR

[ x ] If any additional fee for claims is required charge Account  
No. 06-2360

Patricia A. Limbach  
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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bek et al. Docket No.: 9222.16632-CIP CON  
Serial No.: 09/974,750 Examiner: M. Peffley  
Filed: 10 October 2001 Group Art Unit: 3739  
Title: Systems and Methods for Monitoring and Controlling Use of Medical Devices

AMENDMENT C  
SUBMITTED AFTER FINAL ACTION PURSUANT TO 37 C.F.R. §1.116

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Commissioner for Patents  
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Dear Sir:

INTRODUCTORY COMMENTS

This Amendment responds to the Office Action mailed January 27, 2004, which was designated a Final Action.

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